

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

[SEALED]

Plaintiffs,

-against-

[SEALED],

Defendants.

12 cv 1466

UNDER SEAL

STIPULATION

WHEREAS, the Court imposed a seal on the file in this action by a certain Order dated March 1, 2012 and has, by subsequent orders, extended and modified the seal from time to time;

WHEREAS, in accordance with the Court's order dated October 2, 2014, the New York City Law Department, counsel for the City of New York (the "City"), disclosed the *qui tam* complaint in this action to Defendants Siemens AG, Siemens Corporation, Siemens Industry, and Siemens Electrical, LLC, formerly known as Schlesinger-Siemens Electrical, LLC and sued herein as Siemens Schlesinger Electric, LLC (all such defendants collectively referred to herein as "Siemens");

WHEREAS, the parties have conducted settlement negotiations regarding, *inter alia*, the claims asserted in the *qui tam* complaint in this action;

WHEREAS, the City and Siemens wish to continue their settlement negotiations;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the City and Siemens, in connection with State Finance Law § 190(2)(d), that if the City files a superseding complaint in this action by November 13, 2015, such complaint shall relate

back to the filing date of the complaint of the *qui tam* plaintiff, to the extent that the City's cause of action arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the complaint of the *qui tam* plaintiff; and

IT IS FURTHER STIPULATED AND AGREED that nothing in this Agreement shall be construed as an admission by Siemens as to the validity of any causes of action brought against any of the named Siemens entities or as a modification, waiver, or release of any of the Siemens entities' rights, remedies, or defenses, including as to timeliness, except as to the relation back of the filing date of the complaint in this action; and

IT IS FURTHER STIPULATED AND AGREED that (i) this stipulation may be executed in counterparts; (ii) a facsimile or PDF copy of a signature on this stipulation shall have the same force and effect as an original signature; and (iii) this stipulation may be filed and an order may be entered upon this stipulation without further notice to any party.

Dated: August 10, 2015
New York, New York


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By: 
Wendy H. Schwartz

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
8-14-15